

98TH CONGRESS  
1ST SESSION

**S. 452**

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 1983

Referred to the Committee on Public Works and Transportation

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**AN ACT**

To establish public buildings policies for the Federal Government, to establish the Public Buildings Service in the General Services Administration, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Public Buildings Act of  
4       1983".

5       SEC. 2. It is hereby declared to be the policy of the  
6       Congress that the public buildings of the United States Gov-  
7       ernment shall be located, designed, furnished, and maintained  
8       so as to ensure the highest productivity and efficiency of Fed-  
9       eral agencies and their employees and, further, to provide

7

1     Government services throughout the United States in loca-  
2     tions convenient to the people, to preserve and advance the  
3     Nation's legacy of architectural excellence, and to enhance  
4     commercial and cultural conditions in the vicinity of public  
5     buildings.

6            **TITLE I—GENERAL AUTHORITIES**

7        SEC. 101. (a) Except as provided in subsection (b), the  
8        Administrator of General Services, acting through the Public  
9        Buildings Service, in conformance with the policies and pro-  
10      visions of this Act, shall have sole authority to acquire,  
11      design, construct, lease, manage, maintain, repair, renovate,  
12      and assign and reassign space in, buildings and sites to meet  
13      the public buildings needs of the Government.

14       (b) The provisions of subsection (a) do not supersede any  
15      specific authority granted by statute prior to the date of en-  
16      actment of this Act to the head of a Federal agency with  
17      respect to the acquisition, design, construction, leasing, man-  
18      agement, maintenance, repair, renovation, or assignment and  
19      reassignment of space in buildings of that agency.

20       SEC. 102. There is hereby established in the General  
21      Services Administration a Public Buildings Service. There  
22      shall be at the head of the Public Buildings Service a Com-  
23      missioner of Public Buildings who shall be appointed by the  
24      President, by and with the advice and consent of the Senate,

1 and shall be compensated at the rate provided for level IV of  
2 the Executive Schedule (5 U.S.C. 5332).

3 SEC. 103. There shall be within the Public Buildings  
4 Service a Supervising Architect who shall be appointed by  
5 the Administrator of General Services and shall be compen-  
6 sated at the rate provided for level V of the Executive Sched-  
7 ule (5 U.S.C. 5332). The Supervising Architect shall super-  
8 vise all design activities of the Public Buildings Service and  
9 shall perform such other duties as the Commissioner of  
10 Public Buildings may designate.

11 SEC. 104. Any authorities described in section 101 of  
12 this Act that have been delegated by the Administrator to  
13 another Federal agency prior to the date of enactment of this  
14 Act shall be revoked and vested in the Administrator on the  
15 one-hundred-and-twentieth day after the effective date of this  
16 Act unless, prior to said day, the Administrator has delegated  
17 such authority in accordance with section 105 of this Act.

18 SEC. 105. Notwithstanding the provisions of section  
19 205 of the Federal Property and Administrative Services Act  
20 of 1949, as amended, the Administrator may delegate all or a  
21 portion of his authorities under this Act to the head of an-  
22 other Federal agency, but only with respect to the public  
23 buildings needs of that agency.

24 SEC. 106. The head of any Federal agency delegated  
25 authorities pursuant to section 105 of this Act, shall exercise

1 those authorities in conformance with the provisions of this  
2 Act; however, the head of any such agency shall not submit  
3 the report required in section 107 but shall submit the infor-  
4 mation required in section 107 to the Administrator for inclu-  
5 sion in his records and reports.

6 SEC. 107. (a) The Administrator shall submit a report to  
7 the Congress on or before February 1 of each year describing  
8 activities undertaken, directly by him, or under authorities  
9 delegated pursuant to section 105 of this Act, to meet the  
10 public buildings needs of Federal agencies in the preceding  
11 fiscal year. Such report shall include, but is not limited to—

12 (1) an inventory of all public buildings, including  
13 for each building its location and the amount of space  
14 and number of employees assigned to each Federal  
15 agency;

16 (2) an inventory of locations of Federal agency of-  
17 fices in leased buildings, including for each leased loca-  
18 tion its annual leasing costs, total expected leasing  
19 costs over the remaining term of the lease, and the  
20 amount of space and number of employees assigned to  
21 each Federal agency;

22 (3) a list of all construction and renovation proj-  
23 ects completed and in progress and the degree of  
24 progress toward the completion of each;

1                   (4) a list of all leases and lease renewals  
2                   executed;

3                   (5) a list of construction, acquisition, and renovation  
4                   projects the cost of which have exceeded, or are  
5                   expected to exceed, the maximum cost set forth in any  
6                   annual authorization under this Act, whether or not  
7                   such projects meet the criteria established in section  
8                   806 of this Act;

9                   (6) a list of all delegations of authority made by  
10                  the Administrator pursuant to section 105 of this Act;

11                  (7) a report on activities undertaken pursuant  
12                  to—

13                  (A) titles IV and V of this Act;

14                  (B) section 210(a)(6) of the Federal Property  
15                  and Administrative Services Act of 1949, as  
16                  amended, or by transfer of funds from any Federal  
17                  agency; and

18                  (8) a discussion of achievements and problems in  
19                  carrying out provisions of this Act and in meeting the  
20                  public buildings needs of the Government.

21                  (b) The Administrator shall collect and maintain such  
22                  information as may be necessary to keep the Congress fully  
23                  and currently informed of the conduct of the Public Buildings  
24                  Service and to manage activities required under the provi-  
25                  sions of this Act. Within one year after enactment of this

1 Act, the Administrator shall assure that information is avail-  
2 able on—

3 (1) for each public or leased building—

4 (A) the amount of vacant space,

5 (B) the amount of space leased under section  
6 102 of the Public Buildings Cooperative Use Act  
7 of 1976, as amended,

8 (C) building operations costs,

9 (D) needed repairs and renovation,

10 (E) energy consumed,

11 (F) the extent to which it is fully accessible  
12 to physically handicapped persons in accordance  
13 with the Architectural Barriers Act of 1968, as  
14 amended,

15 (G) the percent of the building leased by the  
16 Government,

17 (H) the total amount of funds that have been  
18 expended in improvements or alterations to each  
19 leased building, and

20 (I) the term of any leases in effect and their  
21 expiration dates.

22 (2)(A) All contracts in effect for architectural, en-  
23 gineering, construction, maintenance, protection, re-  
24 search and other services, including for each the name

1        of the contractor, the services performed, and contract  
2        term and price, and

3                (B) the space utilization rate for each Federal  
4        agency.

5                (c) By February 1 of each year, each head of a Federal  
6        agency exercising authority pursuant to section 101(b) shall  
7        submit a report to the Committee on Environment and Public  
8        Works of the Senate and the Committee on Public Works  
9        and Transportation of the House of Representatives describ-  
10      ing the activities conducted by the agency pursuant to that  
11      authority to meet the public buildings needs of the agency in  
12      the preceding fiscal year.

13                SEC. 108. (a) The Administrator shall require, prior to  
14      executing any lease or other contract which would obligate  
15      funds in excess of \$10,000 authorized pursuant to this Act, a  
16      certification from the owner of the space to be leased or the  
17      contractor. Any owner or contractor who fails to complete  
18      such certification required under this subsection shall not be  
19      eligible to receive a lease or contract award. Such certifica-  
20      tion shall include, but need not be limited to, statements,  
21      declaring under penalty of law provided under section 1001  
22      of title 18, United States Code, or elsewhere:

23                (1) that such owner or contractor, or any of his  
24      officers or principal employees—

5 (B) has not offered or promised anything of  
6 value to a public official, in connection with the  
7 lease or other contract under consideration, with  
8 the intent to influence any official act or to induce  
9 the official to perform, or to omit to perform, any  
10 act in violation of his lawful duties or to offer or  
11 give anything of value to a public official for per-  
12 forming an official act.

13 (2) whether such owner or contractor, or any of  
14 his officers or principal employees has been debarred or  
15 suspended from the award of public contracts;

16 (3) whether such owner or contractor, or any of  
17 his officers or principal employees has had a public  
18 contract terminated for default; and

19 (4) whether such owner or contractor, or any of  
20 his officers or principal employees has been convicted  
21 of, or is currently under indictment for or otherwise  
22 charged with—

23 (A) a criminal offense incident to obtaining or  
24 attempting to obtain a public (Federal, State, or  
25 municipal) or private contract, or subcontract

1                   thereunder, or in the performance of such a con-  
2                   tract or subcontract;

3                   (B) a violation of the Organized Crime Con-  
4                   trol Act of 1970;

5                   (C) a violation of Federal antitrust statutes  
6                   arising out of the submission of bids or proposals  
7                   or;

8                   (D) embezzlement, theft, forgery, bribery,  
9                   falsification or destruction of records, fraud, tax  
10                  fraud, receiving stolen property, or equivalent  
11                  crimes which are indicative of a lack of business  
12                  integrity.

13                  (b) In the event an owner or contractor replies in the  
14                  affirmative to any of the certifications required pursuant to  
15                  clause (2), (3), or (4) of subsection (a), then the Inspector  
16                  General of the General Services Administration shall be noti-  
17                  fied, and no lease or contract award shall be made to that  
18                  owner or contractor:

19                  (1) until the Inspector General of the General  
20                  Services Administration advises the contracting officer  
21                  on the suitability and integrity of the owner or  
22                  contractor;

23                  (2) until the contracting officer submits a written  
24                  report as to why the lease or contract may be awarded  
25                  notwithstanding the affirmative certification; and

5 (c) Such written approval required under clause (3) of  
6 subsection (b) may not be delegated to a subordinate official.

7 (d) The Administrator shall provide in the annual report  
8 required under section 107(a) of this Act, the name of each  
9 principal owner of blocks of space exceeding fifty thousand  
10 square feet which are leased during the fiscal year covered by  
11 the report.

12 SEC. 109. (a) The Administrator shall keep the Con-  
13 gress fully and currently informed of policies and activities of  
14 the General Services Administration within the purview of  
15 this Act. In addition, he shall make available to the Commit-  
16 tee on Environment and Public Works of the Senate and the  
17 Committee on Public Works and Transportation of the House  
18 of Representatives on request, and in such manner as may be  
19 necessary to safeguard individual rights or the conduct of  
20 criminal investigations, any document, material, information,  
21 or report under his jurisdiction.

22 (b) Such reports as are required to be transmitted to  
23 appropriate committees of the Congress by the Administrator  
24 in accordance with sections 5(b) and 5(d) of Public Law 95-  
25 452 that pertain to problems, abuses, or deficiencies arising

1 under this Act, shall be transmitted simultaneously to the  
2 Committee on Environment and Public Works of the Senate  
3 and the Committee on Public Works and Transportation of  
4 the House of Representatives.

5       SEC. 110. When he deems it to be in the public interest,  
6 the Administrator may relinquish to a State, Commonwealth,  
7 territory, or possession of the United States, such legislative  
8 jurisdiction over lands or public buildings as is necessary to  
9 establish concurrent jurisdiction between the Federal Gov-  
10 ernment and the State, Commonwealth, territory, or posses-  
11 sion concerned. Such partial relinquishment of legislative ju-  
12 risdiction shall be accomplished by filing a notice of relin-  
13 quishment with the Governor (or, if none exists, with the  
14 chief executive officer) of the State, Commonwealth, terri-  
15 tory, or possession concerned to take effect upon acceptance  
16 thereof, or as the laws of the State, Commonwealth, terri-  
17 tory, or possession may otherwise provide.

18       SEC. 111. (a) The Administrator shall be responsible for  
19 the interpretation of all contracts entered into on behalf of  
20 the United States Government to carry out the purposes of  
21 this Act, and shall be responsible for the approval of materi-  
22 als, workmanship, and services supplied pursuant to such  
23 contracts, approval of changes in contracts, certification of  
24 vouchers for payments due contractors, and final settlements.

1       (b) The Administrator may conduct research and post-  
2 occupancy evaluation to determine and improve the effective-  
3 ness of existing and planned public buildings in providing pro-  
4 ductive, safe, healthful, economical, conveniently located,  
5 energy efficient, and architecturally distinguished accommo-  
6 dations for Federal agency offices.

7       SEC. 112. Nothing in this Act shall be construed to  
8 affect the authorities granted in section 403f, 403g, or 403j  
9 of title 50, United States Code.

10       SEC. 113. As used in this Act—

11       (1) The term “Administrator” means the Administrator  
12 of General Services.

13       (2) The term “Federal agency” means any department  
14 or independent establishment in the executive branch of the  
15 Government, including any wholly owned Government cor-  
16 poration, and any establishment in the legislative or judicial  
17 branch of the Government (except the Senate, the House of  
18 Representatives, and the Architect of the Capitol and activi-  
19 ties under his direction).

20       (3) The term “office” means any organizational compo-  
21 nent of a Federal agency or other public or private enterprise  
22 and also means the physical space in which the work of the  
23 component is conducted.

1        (4) The term "officers and employees of the Govern-  
2    ment" means all persons included under sections 2104 and  
3    2105 of title 5 of the United States Code.

4        (5) The term "locality" means a city, county, town,  
5    parish, village, or other area governed by a general purpose  
6    political subdivision of a State.

7        (6) The term "geographical area" means an area en-  
8    compassing a population of no less than one million persons,  
9    except that in the case of a State or territory having a popu-  
10   lation of less than one million persons, it means the State or  
11   territory.

12       (7) The term "acquire" or "acquisition" includes pur-  
13   chase, payment for an option to purchase, condemnation, do-  
14   nation, and exchanges of real property, or interests therein,  
15   excluding leaseholds.

16       (8) The term "renovation" means alteration, addition,  
17   partial demolition, and other such actions that significantly  
18   enhance or change the use or architectural design of a public  
19   building.

20       (9) The term "major construction and acquisition  
21   project" means construction or acquisition of a building of ten  
22   thousand gross square feet of floor space or the acquisition of  
23   a site at a total cost of one million dollars or more.

1        (10) The term "major renovation, alteration and repair  
2 project" means such a project having a total cost of one mil-  
3 lion dollars or more.

4        (11) The term "historic, architectural, or cultural sig-  
5 nificance" includes, but is not limited to buildings listed or  
6 eligible to be listed on the National Register established  
7 under section 101 of the Act of October 15, 1966 (16 U.S.C.  
8 470a).

9        (12) The term "physically handicapped person" means  
10 any individual with a physical impairment that precludes  
11 such person's use of a building to the same extent that an  
12 individual with unimpaired mobility can use such building.

13        (13) The term "fully accessible" means the absence or  
14 elimination of physical and communications barriers to the  
15 ingress, egress, movement within, and use of a building by  
16 handicapped persons and the incorporation of such equipment  
17 as is necessary to provide such ingress, egress, movement,  
18 and use and, in a building of historic, architectural, or cultur-  
19 al significance, the elimination of such barriers and the incor-  
20 poration of such equipment in such a manner as to be  
21 compatible with the significant architectural features of the  
22 building to the maximum extent possible.

23        (14) The term "public building" means any building  
24 along with its grounds, approaches, and appurtenances,  
25 owned by the United States Government or the subject of a

1 contractual or other agreement under which it may be owned  
2 by the United States Government at some certain date in the  
3 future, that accommodates, did accommodate, or is intended  
4 to accommodate Federal agency offices, and includes, but is  
5 not limited to office buildings, courthouses, border stations,  
6 garages and warehouses, and any other building or construc-  
7 tion project the inclusion of which the President may deem to  
8 be in the public interest, but does not include buildings or  
9 installations of the United States Postal Service, except as  
10 provided for under section 2002(d) of the Postal Reorganiza-  
11 tion Act, or buildings or installations of the Tennessee Valley  
12 Authority, or buildings of the Government Printing Office, or  
13 buildings: on the public domain (including that reserved for  
14 national forests and other purposes), on properties of the  
15 United States in foreign countries, on Indian and Native  
16 Eskimo properties held in trust by the United States, on  
17 lands used in connection with Federal programs for agricul-  
18 tural, recreational, and conservation purposes, on or used in  
19 connection with river, harbor, flood control, reclamation or  
20 power projects, chemical manufacturing or developing proj-  
21 ects, or for nuclear production, research, or development  
22 projects, on military installations (including any fort, post,  
23 airbase, proving ground, supply depot, school or similar facili-  
24 ty of the Department of Defense), on Veterans' Administra-  
25 tion installations used for hospital, nursing home, or domicili-

1 ary purposes, on or used in connection with housing and resi-  
2 dential projects, or on the United States Capitol grounds de-  
3 lineated in section 193(a) of title 40, United States Code.

4 (15) The term "public buildings needs" means the re-  
5 quirements of Federal agencies for suitable space, whether or  
6 not in a Government-owned building, to accommodate offices  
7 that may be located in a public building as defined in subsec-  
8 tion (14) of this section, and includes requirements for space  
9 in accordance with section 102 of the Public Buildings Coop-  
10 erative Use Act of 1976, as amended.

11 (16) The term "National Capital region" has the same  
12 meaning that it bears in section 71(b) of title 40, United  
13 States Code.

14 SEC. 114. The Public Buildings Act of 1959, as amend-  
15 ed, is repealed.

16 TITLE II—LOCATIONS FOR FEDERAL AGENCY  
17 OFFICES

18 (a) The headquarters offices of each depart-  
19 ment and major independent establishment in the executive  
20 branch shall be located within the National Capital region in  
21 conformance with the comprehensive plan prepared and  
22 adopted pursuant to the National Capital Planning Act of  
23 1952, as amended, unless otherwise specified by Act of  
24 Congress.

1        (b) Regional, district, area, or local offices of Federal  
2    agencies shall be located so as to be centrally located with  
3    respect to, in proximity to, or within easy transportation  
4    access of, residential populations they serve or other govern-  
5    mental and private offices with which they must maintain  
6    continuing and frequent physical communication.

7        (c) Federal agency offices other than those that are lo-  
8    cated pursuant to subsection (a) or (b) of this section, or that  
9    otherwise must be located close to specific governmental or  
10   private offices or in specific geographic locations in order ef-  
11   fectively to carry out their responsibilities, shall be located  
12   throughout the United States generally in proportion to the  
13   geographic distribution of the Nation's population.

14       SEC. 202. After conforming with section 201, the Ad-  
15   ministrator shall, in consultation with local officials, take into  
16   account the following factors in locating Federal agency  
17   offices—

18                (1) the costs, including relocation and operating  
19                costs, of proposed locations;

20                (2) in the case of any office located in a standard  
21                metropolitan statistical area, the feasibility and desir-  
22                ability of a location in the central business district of a  
23                city within that area;

24                (3) the proximity of existing or planned public  
25                transportation facilities;

8 SEC. 203. In responding to the public buildings needs of  
9 Federal agencies and in planning for future such needs, the  
10 Administrator shall first comply with sections 201 and 202  
11 and shall—

12 (1) review needs to determine if they can be met  
13 in whole or in part through more productive use of ex-  
14 isting space;

15 (2) prior to acquiring, constructing, or leasing  
16 space in any other building, locate Federal agency  
17 offices—

23 (B) in buildings of historic, architectural, or  
24 cultural significance acquired by the Administra-  
25 tor, and renovated if need be, unless use of such

1       space would not prove feasible and prudent  
2       (taking into account cost, expected date of occu-  
3       pancy, and the potential for the conservation of  
4       energy) compared with construction of a public  
5       building, and if such building space is not avail-  
6       able, then

7                   (C) in existing buildings acquired by the Ad-  
8       ministrator and renovated if need be, or in new  
9       buildings constructed by the Administrator under  
10      the provisions of this Act, and if such building  
11      space cannot be made available in time to meet  
12      urgent public buildings needs, then

13                   (D) in building space leased by the Adminis-  
14       trator in accordance with the provisions of title  
15       VII of this Act, giving first priority to leasing  
16       space in buildings, of historic, architectural, or  
17       cultural significance, unless such leasing would  
18       not prove feasible and prudent compared with the  
19       cost and with the potential for the conservation of  
20       energy of leasing at another location.

21       SEC. 204. Federal agency offices in a locality may be  
22       consolidated to the extent justified by the need for immediate  
23       physical proximity and by anticipated cost savings—

24                   (A) first, within and among the offices of a single  
25       Federal agency,

1                   (B) second, within and among the offices of Fed-  
2                   eral agencies carrying out related functions, and

3                   (C) third, within and among other Federal agency  
4                   offices, and

5                   generally so that resulting public buildings needs may, to the  
6                   maximum extent possible, be met by using existing public  
7                   buildings, by constructing or acquiring buildings of a scale  
8                   similar to the predominant scale of buildings existing in or  
9                   planned for their surroundings, or by acquiring two or more  
10                   reasonably proximate buildings, particularly buildings of his-  
11                   toric, architectural, or cultural significance.

12                  SEC. 205. (a) In the event that the head of a Federal  
13                  agency determines that the location assigned to any office of  
14                  fifty or more employees of that agency by the Administrator  
15                  would be deleterious to the efficient accomplishment of the  
16                  office's responsibilities, the agency head may appeal the deci-  
17                  sion of the Administrator to the Director of the Office of  
18                  Management and Budget. The Director shall review the Ad-  
19                  ministrator's decision within thirty days in accordance with  
20                  the provisions of this title, and shall nullify the decision only  
21                  if the Director finds the Administrator's decision not reason-  
22                  ably supported by the facts. The Director shall report the  
23                  findings of any review undertaken pursuant to this section  
24                  within ten days to the Committee on Environment and Public

1 Works of the Senate and the Committee on Public Works  
2 and Transportation of the House of Representatives.

3 (b) Notwithstanding the provisions of subsection (a) of  
4 this section, in the event that the Director of the Administra-  
5 tive Office of the United States Courts determines that the  
6 location assigned to an office of the judicial branch by the  
7 Administrator would be deleterious to the efficient accom-  
8 plishment of the office's responsibilities, the Director shall  
9 report such determination to the Committee on Environment  
10 and Public Works of the Senate and the Committee on Public  
11 Works and Transportation of the House of Representatives.

12 SEC. 206. (a) Noncompliance with the provisions of this  
13 title of this Act on the date of enactment shall not be con-  
14 strued to require the relocation of any Federal agency office.

15 (b) Any action to locate or relocate any Federal agency  
16 office subsequent to the date of enactment of this Act shall be  
17 undertaken in conformance with the provisions of this Act.

18 **TITLE III—DESIGN AND MANAGEMENT OF**  
19 **PUBLIC BUILDINGS**

20 SEC. 301. The Administrator shall design and maintain  
21 public buildings in such manner that they bear visual  
22 testimony to the dignity, enterprise, vigor, and stability of the  
23 American Government, embody the finest contemporary  
24 American architectural thought, and where appropriate, re-  
25 flect regional architectural traditions.

1        SEC. 302. Except as provided in section 303, public  
2    buildings shall be of such design and construction as to ap-  
3    proximate the costs, durability, and ratio of net usable space  
4    to gross space of commercial buildings that serve similar pur-  
5    poses. In any case in which the Administrator, pursuant to  
6    section 801 of this Act, requests authorization for appropri-  
7    ations for a public building that would exceed the cost, dura-  
8    bility, or space standards of this section, he shall explain the  
9    amount and cause of such excess in the list required pursuant  
10   to section 801(a)(2).

11        SEC. 303. Whenever the Administrator designs and  
12   constructs—

13                (1) a general purpose office building expected to  
14                attract significant public use in any locality that serves  
15                as a center of its geographical area, or  
16                (2) a headquarters building for any Federal  
17                agency,

18    such public building shall be designed and constructed to  
19    higher standards of quality than that provided for in section  
20   302 of this Act and such design and construction shall sym-  
21    bolize the dignity of the United States Government through  
22    the quality or scale of some or all of its architectural details,  
23    materials, and public areas: *Provided*, That this section shall  
24    not apply to public buildings described in clause (1) of this  
25    section whenever the Administrator determines that there al-

1 ready exists in the locality a public building of the quality  
2 described in this section.

3 SEC. 304. In the design, construction, acquisition, ren-  
4 ovation, and management of public buildings, the Administra-  
5 tor shall assure that, to the extent possible, and consistent  
6 with minimizing costs, such buildings—

7 (1) conform to or complement the scale of existing  
8 or planned surrounding buildings;

9 (2) conserve energy;

10 (3) provide efficient and attractive interiors, in-  
11 cluding public reception areas;

12 (4) provide parking space for Government motor  
13 vehicles and handicapped employees as necessary, and  
14 such other parking space for visitors and employee ve-  
15 hicles as is consistent with a general policy of trans-  
16 portation efficiency and energy conservation; and

17 (5) contain architectural details and hardware that  
18 are an integral part of the structure or fixtures and  
19 that are designed and fabricated so as to enhance the  
20 function and appearance of the public building and to  
21 reflect regional architectural traditions or Federal  
22 agency functions. Artisans and craftsmen expert in the  
23 creative use of such materials as stone, brick, metal,  
24 wood, and stained glass may be employed to carry out  
25 the purposes of this paragraph. To the extent that

1        items designed and fabricated pursuant to this para-  
2        graph exceed the ordinary cost of such items, funds al-  
3        located pursuant to section 503(c) of this Act shall be  
4        used to defray the additional cost.

5        SEC. 305. The Administrator shall provide sheltered  
6        and secure locations and equipment for parking bicycles, and  
7        may provide suitable support facilities, at each new public  
8        building as necessary to facilitate bicycle use by employees  
9        and visitors. He shall provide similar bicycle parking and  
10       facilities at existing public buildings and leased buildings  
11       where he determines bicycle use is, or may become of suffi-  
12       cient magnitude to warrant the expenditure required.

13       SEC. 306. (a) Public buildings shall be maintained at all  
14       times at a high level of appearance, cleanliness, and mechani-  
15       cal and structural fitness so as to maintain the dignified ap-  
16       pearance of Federal offices and the health, safety, and effi-  
17       ciency of Federal employees, and to minimize major repair  
18       and replacement expenditures.

19       (b) Each public building shall be maintained and ren-  
20       ovated so as to promote efficient Federal agency and public  
21       use and to preserve those portions or features that are signifi-  
22       cant to the building's historic, architectural, or cultural  
23       values.

24       SEC. 307. (a) Nothing in this Act (except for the provi-  
25       sions of this section) shall affect the applicability of the provi-

1 sions of the Act of August 12, 1968, as amended, commonly  
2 known and hereinafter referred to as the Architectural Bar-  
3 riers Act of 1968, as amended, to any building or facility.

4 (b) The Architectural Barriers Act of 1968 is  
5 amended—

6 (1) in clause (1) of the first section, by striking out  
7 “constructed or altered” and inserting in lieu thereof,  
8 “constructed, altered, or acquired”;

9 (2) in sections 2, 3, 4, and 4a, by striking out  
10 “physically handicapped persons will have ready access  
11 to, and use of, such buildings” and inserting in lieu  
12 thereof “such buildings are fully accessible to physical-  
13 ly handicapped persons”;

14 (3) in section 5, by inserting before the period a  
15 comma and “and any contract for all or any part of the  
16 design, construction, or alteration involved shall so  
17 provide”; and

18 (4) in section 6—

19 (A) by inserting “(a)” before “The”;

20 (B) by inserting “(hereinafter in this section  
21 referred to as the ‘standard-prescribing agency  
22 head concerned,)” after “section 4a of this Act”;

23 (C) by striking out “the Administrator or  
24 Secretary, as the case may be” and inserting in

1                    lieu thereof "the standard-prescribing agency head  
2                    concerned"; and

3                    (D) by adding a new subsection as follows:

4                    "(b) No action may be taken under this section to  
5 modify or waive a standard issued under this Act unless—

6                    "(1) in the case of a waiver, the waiver pertains  
7 to a building to be leased (other than a building to be  
8 constructed for lease) and the waiver is necessary to  
9 meet an emergency situation, or

10                   "(2) in the case of a modification (A) the modifica-  
11 tion is no broader than necessary, and (B) in the case  
12 of a building to be constructed or altered, (i) the need  
13 for such modification was not reasonably foreseeable  
14 when the design for such construction or alteration was  
15 approved, or (ii) the standard-prescribing agency head  
16 concerned determines, pursuant to regulations pre-  
17 scribed by such agency head, that such modification is  
18 essential to achieving the purposes of the construction  
19 or alteration."; and

20                   (5) by inserting at the end the following new  
21 section:

22                   "SEC. 8. As used in this Act—

23                   "(1) the term 'physically handicapped person'  
24 means any individual with a physical impairment that  
25 precludes such person's use of a building to the same

1 extent that an individual with unimpaired mobility can  
2 use such building, and

3 "(2) the term 'fully accessible' means the absence  
4 or elimination of physical and communications barriers  
5 to the ingress, egress, movement within, and use of a  
6 building by handicapped persons and the incorporation  
7 of such equipment as is necessary to provide such in-  
8 gress, egress, movement, and use and, in a building of  
9 historic, architectural, or cultural significance, the  
10 elimination of such barriers and the incorporation of  
11 such equipment in such a manner as to be compatible  
12 with the significant architectural features of the build-  
13 ing to the maximum extent possible.".

14 SEC. 308. (a) The Administrator is authorized, pursuant  
15 to subsection (b) of this section, and upon the request of ap-  
16 propriate local and State officials, to name any public build-  
17 ing after, and establish a memorial in any public building in  
18 honor of, any person who has made notable contributions to  
19 government, science, industry, education, the arts, or other  
20 fields of human endeavor. Such person, if living, must be at  
21 least seventy years of age. No public building shall be named  
22 for a sitting Member of Congress or for a former Member of  
23 Congress who holds any other elective public office.

24 (b) The Administrator is authorized to expend, out of  
25 any funds available to him in any fiscal year, an amount

1 equal to but no greater than contributions provided by State  
2 or local governments or private entities or individuals, and in  
3 no event greater than the sum of \$10,000, for the design and  
4 construction of a memorial to a person designated pursuant to  
5 subsection (a) of this section, or designated by an Act of  
6 Congress.

7 (c) The Administrator, in consultation with appropriate  
8 local and State officials and other interested citizens, shall  
9 determine the form and location of such memorials. The me-  
10 morials shall be fountains, gardens, walks, stained glass win-  
11 dows, or other building appurtenances visible and accessible  
12 to visitors, and in harmony with the architectural and land-  
13 scape design of such building. The Administrator shall pro-  
14 vide maintenance for such memorials.

15 (d) The Administrator may conduct a competition to  
16 select a designer for the memorial authorized by this subsec-  
17 tion. Such competition shall be open to landscape and other  
18 architects, artists, artisans, and designers.

19 SEC. 309. (a) The Administrator shall study the efficien-  
20 cy and economy of the use of space in public buildings by  
21 Federal agencies and shall employ appropriate means, includ-  
22 ing consolidation, reassignment, relocation and cancellation  
23 of leases, to increase the cost-effectiveness of space utiliza-  
24 tion by the Government.

1       (b) Whenever the Administrator finds, pursuant to sub-  
2 section (a), space in public buildings or leased buildings which  
3 is vacant, underutilized, or otherwise inefficiently or uneco-  
4 nomically utilized, he may lease or outlease such space, as  
5 the case may be, upon terms and conditions deemed to be in  
6 the public interest, without regard to section 203 of the Fed-  
7 eral Property and Administrative Services Act of 1949, as  
8 amended (40 U.S.C. 484). To assist in carrying out this sec-  
9 tion, the Administrator may utilize the services of private  
10 real estate brokers, notwithstanding the provisions of section  
11 3709, Revised Statutes.

12       SEC. 310. In order to reduce Government expenditures  
13 and promote the maximum utilization of space of Federal  
14 agencies, and subject to section 202 of the Federal Property  
15 and Administrative Services Act of 1949, the head of each  
16 Federal agency shall furnish to the Administrator, by April 1,  
17 1984, and at frequent intervals thereafter, an inventory of all  
18 excess and underutilized space under the custody and control  
19 of the agency which is generally suitable for reassignment to  
20 other Federal agencies. The President shall promulgate rules  
21 and regulations regarding the inventory and space reassig-  
22 nements pursuant to it.

23       SEC. 311. Notwithstanding section 203 of the Federal  
24 Property and Administrative Services Act of 1949, as  
25 amended (40 U.S.C. 490(j)), the Administrator shall notify

1 the Committee on Environment and Public Works of the  
2 Senate and the Committee on Public Works and Transporta-  
3 tion of the House in writing before disposing of any public  
4 building or site, suitable for the construction of a public build-  
5 ing, by sale, exchange, transfer, or other type of disposal for  
6 cash, credit, or other property. The disposal may be carried  
7 out only at the end of the 30-day period beginning on the  
8 date the notification is received by such committees.

9 **TITLE IV—MIXED USE AND ADAPTIVE USE IN  
10 PUBLIC BUILDINGS**

11 SEC. 401. This title may be cited as the "Public Build-  
12 ings Cooperative Use Act Amendments of 1983".

13 SEC. 402. (a) Section 102(a)(2) of the Public Buildings  
14 Cooperative Use Act of 1976 is amended to read as follows:

15 " (2) encourage the location of commercial, cultur-  
16 al, educational, and recreational activities as tenants  
17 primarily on major pedestrian access levels, courtyards,  
18 and rooftops of public buildings, and design, construct  
19 and lease space suitable for such activities: *Provided*,  
20 That the amount of space so leased in any public  
21 building—

22 " (A) shall be determined by the Administra-  
23 tor in light of the market for such activities or the  
24 need and potential for promoting commercial or  
25 cultural activity in the vicinity of the building or

1                   serving the employees and visitors in the building;  
2                   and

3                   “(B) shall not exceed 15 per centum of the  
4                   occupiable space in the public building, except in  
5                   instances where the Administrator determines that  
6                   the configuration of pedestrian access levels in the  
7                   building justifies the leasing of a greater amount  
8                   of space;”.

9                   (b) Section 102(a)(4) of the Public Buildings Cooperative  
10                  Use Act of 1976 is amended to read as follows:

11                  “(4) encourage the public use of public buildings  
12                  for occasional cultural, educational, and recreational  
13                  activities and design, construct, and maintain space and  
14                  equipment in public buildings suitable for such activi-  
15                  ties, including activities described in section 503(a) of  
16                  the Public Buildings Act of 1983.”.

17                  SEC. 403. Section 103 of the Public Buildings Coopera-  
18                  tive Use Act of 1976 is repealed and sections 104 and 105  
19                  are redesignated as sections 103 and 104, respectively.

20                  SEC. 404. Section 103(a) of the Public Buildings Coop-  
21                  erative Use Act of 1976, as amended, and the first sentence  
22                  of section 210(a)(16) of the Federal Property and Administra-  
23                  tive Services Act of 1949 are amended to read as follows:

24                  “(16) to enter into leases of space in public build-  
25                  ings, in accordance with section 102(a)(2) of the Public

1       Buildings Cooperative Use Act of 1976, as amended,  
2       with persons, firms, or organizations engaged in com-  
3       mercial, cultural, educational, or recreational activities  
4       (as defined in section 104 of the Public Buildings Co-  
5       operative Use Act of 1976, as amended).".

6       SEC. 405. Section 104 of the Public Buildings Coopera-  
7       tive Use Act of 1976, as amended, is amended by striking  
8       paragraph (2) and inserting in lieu thereof the following:

9            "(2) The terms 'public building' and 'Federal agency'  
10       have the same meaning as are given them in section 113 of  
11       the Public Buildings Act of 1983.".

12       TITLE V—EXHIBITIONS AND WORKS OF ART

13       SEC. 501. This title may be cited as the "Federal Build-  
14       ings Enhancement Act of 1983".

15       SEC. 502. (a) The Congress hereby finds and declares  
16       that—

17            (1) the efficient use of Federal buildings can be in-  
18       creased, and public satisfaction with Federal buildings  
19       will be improved, by insuring that such buildings not  
20       only provide a congenial work environment but also  
21       function attractively for public service;

22            (2) Federal buildings should enrich the social,  
23       commercial, and cultural resources of the communities  
24       they serve; and

6 (b) It is, therefore, the policy of the Congress to encour-  
7 age and secure Federal building design which is distin-  
8 guished, which expresses the dignity, enterprise, and stability  
9 of the American Government, and which enriches the quality  
10 of life in the communities served by such buildings. It is the  
11 purpose of this Act to contribute to such design by incorpo-  
12 rating permanent installations of suitable works of art into  
13 Federal buildings. It is the further purpose of this Act to  
14 enhance existing Federal buildings by providing for tempo-  
15 rary exhibitions of art and history to be circulated among  
16 Federal buildings.

17 SEC. 503. (a)(1) The Administrator, with the advice and  
18 assistance of the Chairman of the National Endowment for  
19 the Arts, shall acquire by loan, or by lease at nominal fees,  
20 works of art by living American artists. Works of art loaned  
21 or leased under this subsection shall be organized into exhibi-  
22 tions and circulated by the Administrator among Federal  
23 buildings throughout the United States. Such works of art  
24 shall be selected from artists representative of the different

1 regions of the United States and its territories, and shall in-  
2 clude diverse artistic media.

3 (2) The Administrator, in conjunction with the Secre-  
4 tary of the Smithsonian Institution, and with other not-for-  
5 profit traveling exhibition services shall utilize existing exhi-  
6 bitions and develop new exhibitions which reflect the artistic,  
7 cultural, social, scientific, and industrial heritage of the  
8 United States or the continuing development of the Nation's  
9 art, culture, society, science, and industry.

10 (A) The Administrator shall circulate and show  
11 exhibitions developed under this subsection in Federal  
12 buildings throughout the United States. Preference  
13 shall be given to Federal buildings in communities that  
14 otherwise do not have convenient access to museums  
15 of art and history.

16 (B) The Administrator shall reimburse the Smith-  
17 sonian Institution and other traveling services an  
18 amount not less than the cost to the Institution or to  
19 such other services of carrying out the provisions of  
20 this subsection.

21 (b)(1) The Administrator, with the advice and assistance  
22 of the Chairman acting in cooperation with the appropriate  
23 arts agencies at State and local levels, shall commission suit-  
24 able works of art by American artists to be purchased and  
25 installed in Federal buildings. The preliminary planning and

1 design of each new Federal building shall include planning  
2 for such commissions, which may include a variety of com-  
3 patible works. The Administrator shall insure that Federal  
4 buildings selected for the installation of such commissioned  
5 works of art are equitably distributed within the United  
6 States and its territories, and shall consider a diversity of  
7 artistic media in commissioning such works of art. The Ad-  
8 ministrator shall provide for necessary services to maintain  
9 and preserve such works of art.

10 (2) Whenever the Administrator commissions a work of  
11 art for a new Federal building pursuant to paragraph (1) of  
12 this subsection, he shall instruct that such work shall be an  
13 integral part of the architectural design. In the case of an  
14 existing public building, such work shall be appropriate to the  
15 setting and space available. The administrator shall seek to  
16 avoid the development of an official style either in architec-  
17 ture or associated works of art. Federal commissions should  
18 give expression to the vitality and diversity of American life.

19 (3) In carrying out the provisions of this subsection, the  
20 Administrator, with the advice and assistance of the Chair-  
21 man acting in consultation with the appropriate arts agencies  
22 at State and local levels, shall establish such procedures as  
23 may be necessary to commission suitable works of art, with  
24 or without competition, and shall give full consideration to  
25 the participation of local artists.

1        (c)(1) For the purpose of this section, the Administrator  
2    is authorized to utilize one-half of 1 per centum of the total  
3    sums available in fiscal year 1985 and each fiscal year there-  
4    after for the design, construction, repair, renovation, alter-  
5    ation, and acquisition of public buildings.

6        (2) Funds available under this subsection shall be availa-  
7    ble, without fiscal year limitation, to the Administrator for  
8    the purposes set forth in subsections (a) and (b) of this section  
9    and in subsection 304(5): *Provided*, That not to exceed 25  
10   per centum of such funds shall be expended for purposes set  
11   forth in subsection (a) of this section, and not to exceed 75  
12   per centum of such funds shall be expended for purposes set  
13   forth in subsection (b) of this section and for purposes set  
14   forth in subsection 304(5).

15       (d) For the purpose of this title—

16            (1) the term “Federal buildings” means public  
17    buildings, under the jurisdiction of the Administrator of  
18    General Services, that attract, or are expected to at-  
19    tract, significant public use;

20            (2) the term “Chairman” means the Chairman of  
21    the National Endowment for the Arts; and

22            (3) the term “works of art” includes, but is not  
23    limited to, paintings, sculptures, crafts, works on  
24    paper, and environmental works.

1        **TITLE VI—ARCHITECTURAL SERVICES**

2        SEC. 601. The Administrator shall employ professional-  
3        ly trained architects, engineers, landscape architects, interior  
4        and graphic designers, and urban planners to prepare, under  
5        the supervision of the Supervising Architect, plans, drawings,  
6        and specifications for such public building construction and  
7        renovation projects as the Commissioner of Public Buildings  
8        may designate, but in any case to provide the kind and  
9        number of projects necessary annually to enable such em-  
10        ployees to utilize their professional skills and training.

11        SEC. 602. (a) Those architectural services not provided  
12        pursuant to section 601 shall be procured in accordance with  
13        title IX of the Federal Property and Administrative Services  
14        Act of 1949, as amended, and the Administrator shall con-  
15        duct a design competition among no fewer than three quali-  
16        fied architectural firms to select the architects for a substan-  
17        tial portion of the public building construction and renovation  
18        projects each year, including particularly—

19                (1) renovation projects involving extensive archi-  
20                tectural changes or additions to buildings of historic,  
21                architectural, or cultural significance;

22                (2) construction projects for buildings of high  
23                public use or visibility, including, but not limited to any  
24                building provided pursuant to section 303 of this Act;  
25                and

4 (b) The Administrator shall indicate each year, in the  
5 program submitted pursuant to section 801 of this Act, those  
6 public building construction and renovation projects with re-  
7 spect to which he proposes to conduct design competitions.

8 (c) With respect to a significant portion of the competi-  
9 tions conducted each year, the competitions shall last no  
10 longer than sixty days from the date the Administrator pro-  
11 vides the firms with a competition program and the competi-  
12 tions shall elicit from each firm preliminary design concepts  
13 only.

14 (d) The Administrator shall negotiate first with the firm  
15 judged at the conclusion of each competition to have demon-  
16 strated the best design approach to the project. The Adminis-  
17 trator shall make public and provide to the competing firms  
18 at the time a selection is announced under any of the provi-  
19 sions of this section, a brief report describing the reasons for  
20 the selection made.

21 (e) The Administrator shall provide, in total stipends or  
22 prizes to all of the firms that take part in any one competition  
23 conducted under this section, a sum equal to no more than  
24 one-half of 1 per centum of the expected cost of the design  
25 and construction of the project, and shall conduct each com-

1 petition under such rules and procedures as will assure that  
2 fair compensation for work required from the firms does not  
3 exceed that amount.

4 (f) The Administrator is authorized to acquire the serv-  
5 ices of privately employed architects, engineers, and other  
6 citizens on a temporary basis to serve on panels to assist in  
7 selecting and judging architectural firms under the provisions  
8 of this section. Persons so employed shall not be considered  
9 special Government employees under the provisions of sec-  
10 tion 201(a) of the Ethics in Government Act of 1978.

11 **TITLE VII—LEASING**

12 SEC. 701. It is the policy of the United States to house  
13 Government offices in public buildings. Space shall be leased  
14 to accommodate the emergency or temporary requirements of  
15 the Government, to accommodate Government activities of  
16 insufficient scale to warrant providing a public building, and  
17 to take account of conditions that make Government con-  
18 struction or acquisition of necessary public building space  
19 economically infeasible or disadvantageous.

20 SEC. 702. (a) In recommending projects and actions to  
21 accommodate the public building needs of the United States  
22 in accordance with section 801 of this Act, the Administrator  
23 shall provide realistic comparisons of the long-term costs and  
24 benefits of construction, acquisition, and leasing. Such com-  
25 parisons shall consider, as necessary, assumptions of present

1 and future inflation, interest rates, and operating and other  
2 expenses of the various alternatives. In any case in which the  
3 Administrator recommends a project or action other than that  
4 for which the long-term costs are lowest, he shall explain the  
5 basis for his alternative recommendation.

6 (b) Within nine months of the date of enactment of this  
7 Act, the Director of the Office of Management and Budget,  
8 the Director of the Congressional Budget Office, and the Ad-  
9 ministrator shall jointly submit to the Committee on Environ-  
10 ment and Public Works of the Senate and the Committee on  
11 Public Works and Transportation of the House of Repre-  
12 sentatives a report detailing methods to be used in computing  
13 the long-term comparisons of costs and benefits required pur-  
14 suant to this section. The report may be prepared in coopera-  
15 tion with experts from private industry and shall include a  
16 comparison of the methods proposed with those used in pri-  
17 vate industry.

18 (c)(1) It is the sense of the Congress that long-term  
19 economies would be realized by providing, within ten years of  
20 the date of enactment of this Act, offices in public buildings  
21 to no fewer than 75 per centum of the officers and employees  
22 of the Government whose offices are provided under this Act.

23 (2) In order to attain the percentage of offices to be  
24 provided in public buildings pursuant to paragraph (1) of this  
25 subsection, the Administrator shall reduce the average

1 amount of space assigned to each officer and employee of the  
2 Government, acquire or construct public buildings, or utilize  
3 any combination of these actions, as necessary.

4 (3) To the extent possible, the percentage of offices to  
5 be provided in public building space pursuant to paragraph  
6 (1) of this subsection shall be attained uniformly throughout  
7 the Nation: *Provided*, That, in attempting to attain this per-  
8 centage, the Administrator shall take into account compara-  
9 tive local vacancy and rental rates for office space, and other  
10 market conditions and program considerations in such  
11 manner as to maximize the economic benefit to the Federal  
12 Government and to minimize economic disruption to localities  
13 throughout the Nation.

14 SEC. 703. Notwithstanding the provisions of section  
15 210(h)(1) of the Federal Property and Administrative Serv-  
16 ices Act of 1949, the Administrator shall not make any  
17 agreement or undertake any commitment that will cause the  
18 construction of any building other than a Government-owned  
19 building unless before so agreeing or undertaking—

20 (1) the Administrator establishes specifications for  
21 the building identical to the criteria established pursu-  
22 ant to section 302 of this Act for the construction of  
23 public buildings;

24 (2) the Administrator secures the option to pur-  
25 chase the building at any time during or at the conclu-

1 sion of the lease term, unless the Administrator pro-  
2 vides the Committee on Environment and Public  
3 Works of the Senate and the Committee on Public  
4 Works and Transportation of the House of Representa-  
5 tives an explanation of his reasons for not securing  
6 such an option; and

7 (3) the Administrator has conformed with the pro-  
8 visions of section 706 of this Act.

9 SEC. 704. Except as may be necessary to meet tempo-  
10 rary and urgent requirements that cannot be met in public  
11 buildings, it is the policy of the United States not to lease  
12 space to accommodate, and no additional space shall hence-  
13 forth be leased to accommodate—

14 (1) major computer operations;

15 (2) offices that conduct secure or sensitive activi-  
16 ties related to the national defense or security, except  
17 to the extent that it would be inappropriate to locate  
18 such offices in public buildings or in other facilities  
19 identified with the United States Government;

20 (3) offices, the nature of which would require  
21 major alterations in the structure or mechanical sys-  
22 tems of the building to be leased; or

23 (4) permanent courtrooms, judicial chambers, or  
24 administrative offices for any United States court.

1        SEC. 705. (a) For the purposes of this Act, sections 321  
2 and 322 of the Act entitled "An Act making appropriations  
3 for the legislative branch of the Government for the fiscal  
4 year ending June 30, 1933, and for other purposes", ap-  
5 proved June 30, 1932, shall not apply.

6        (b) No lease may be negotiated for a rental exceeding  
7 the current commercial rates and charges for space and serv-  
8 ices of nearest comparable quality in that locality.

9        SEC. 706. (a)(1) The Administrator shall publicly solicit  
10 sealed bids or competitive proposals to procure leased space  
11 for the Government. Each such solicitation shall specify any  
12 special requirements including building design, configuration,  
13 or location without unnecessarily impairing competition  
14 among responsible bidders or offerors.

15       (2) Sealed bids shall be opened at a time and place spec-  
16 ified in the solicitation and shall be evaluated without discus-  
17 sions with the bidders. A contract shall be awarded with rea-  
18 sonable promptness to the responsible bidder whose bid con-  
19 forms to the solicitation and is most advantageous to the  
20 Government, considering the price and the factors included in  
21 the solicitation.

22       (3) Competitive proposals shall be submitted by a time  
23 and at a place specified in the solicitation and shall be evalu-  
24 ated through discussions with the offerors. A contract shall  
25 be awarded with reasonable promptness to the responsible

1 offeror whose proposal is most advantageous to the Govern-  
2 ment, considering price and the factors included in the solici-  
3 tation.

4 (4) Notwithstanding the provisions of paragraphs (2) and  
5 (3) of this subsection, all sealed bids and competitive propos-  
6 als received in response to a solicitation may be rejected if  
7 the Administrator determines that such action is in the public  
8 interest.

9 (b)(1) Notwithstanding the requirements of subsection  
10 (a) of this section, the Administrator may award a lease on a  
11 noncompetitive basis if the space needed by the Government  
12 is available from only one source and no other space will  
13 satisfy this need, if the need for space is of such urgency that  
14 the Government would be seriously injured by the delay in-  
15 volved in using competitive procedures, or if the disclosure of  
16 the need for space by public advertisement would compro-  
17 mise the national security.

18 (2) Except when disclosure of the need for space would  
19 compromise the national security, the Administrator shall  
20 notify the Committee on Environment and Public Works of  
21 the Senate and the Committee on Public Works and Trans-  
22 portation of the House of Representatives regarding the  
23 award of any lease contract without full use of competitive  
24 procedures.

1       SEC. 707. No option to purchase a building shall be  
2 included in a lease unless the cost of exercising such option is  
3 identified separately from any lease payment and unless the  
4 estimated total cost of the lease and the exercise of the option  
5 to purchase has first been authorized under the provisions of  
6 title VIII of this Act.

7       SEC. 708. The Administrator shall provide a copy of the  
8 lease agreement between the Government and the owner of  
9 each leased building, and a copy of subsequent additions or  
10 revisions to the lease agreement, to the highest ranking offi-  
11 cial in the leased building of each Federal agency occupying  
12 space in the building.

### 13      TITLE VIII—CONGRESSIONAL AUTHORIZATION

14       SEC. 801. (a) The Administrator shall submit to the  
15 Congress, not later than the fifteenth day after Congress con-  
16 venes each year, a program of projects and actions for the  
17 next succeeding fiscal year which the Administrator deems  
18 necessary in carrying out his duties under this Act. Such pro-  
19 gram shall include but is not limited to—

20           (1) a five-year plan for accommodating the public  
21 building needs of the United States,  
22           (2) a list, in priority order, of construction, ren-  
23 ovation, and acquisition projects for which authoriza-  
24 tions for appropriations are requested for the next suc-  
25 ceeding fiscal year, including a description of the proj-

1       ect and the number of square feet of space involved  
2       and the estimated annual and total cost of each project,

3               (3) a list, in priority order, of lease and lease re-  
4       newals for which authorizations for appropriations are  
5       requested for the next fiscal year and the estimated  
6       annual and total cost of each lease,

7               (4) a list of all public buildings proposed to be va-  
8       cated in whole or in part, to be exchanged for other  
9       property, or to be disposed of,

10               (5) a proposed budget for the repair and mainte-  
11       nance of public buildings,

12               (6) a year by year program that would meet the  
13       provisions of section 702(c) of this Act and an analysis  
14       of the costs and benefits of the program, together with  
15       an analysis of costs and savings of alternative pro-  
16       grams,

17               (7) a description of how the projects and leases in-  
18       cluded in the program, separately and together, con-  
19       form to the provisions of this Act, and

20               (8) a list of construction, renovation, and design  
21       projects proposed, pursuant to section 802(c) of this  
22       Act, to commence in the next succeeding fiscal year.

23               (b)(1) The Administrator shall certify in the annual pro-  
24       gram submitted in accordance with subsection (a) that locally  
25       elected officials have been afforded the opportunity for a

1 public hearing in the locality or proposed locality of each  
2 major construction, renovation, or acquisition project includ-  
3 ed in the annual program. Such hearing shall consider the  
4 economic and social effects of the project, its impact on the  
5 environment, its consistency with the goals and objectives of  
6 such urban planning as has been promulgated by the commu-  
7 nity, and its conformance with titles II and III of this Act:  
8 *Provided*, That, only such facts and issues as can reasonably  
9 be adduced during the planning and preliminary design of a  
10 project shall be considered at such hearing.

11 (2) The Administrator shall provide, along with each  
12 certification regarding a public hearing, the final environmen-  
13 tal impact statement prepared pursuant to the National Envi-  
14 ronmental Policy Act, and a report which indicates the con-  
15 sideration given to facts and issues concerning the project  
16 and various alternatives which were raised during the hear-  
17 ing or which were otherwise considered.

#### 18 LIMITATIONS ON AUTHORIZATIONS AND APPROPRIATIONS

19 SEC. 802. (a) No appropriation shall be made by the  
20 Congress or obligated by the Administrator to carry out the  
21 purposes of this Act, unless it has been authorized by the  
22 Congress in accordance with section 803 of this Act.

23 (b) No public building construction, renovation, or acqui-  
24 sition shall be commenced unless an appropriation has first  
25 been made for the estimated cost of completion of such con-

1 struction, renovation, or acquisition in the fiscal year for  
2 which such appropriation is authorized. Beginning in fiscal  
3 year 1985, no lease shall be entered into unless an appropri-  
4 ation has first been made for the estimated maximum cost of  
5 such lease over its entire term, including future cost escala-  
6 tions pursuant to contract.

7 (c) Notwithstanding subsection (b) of this section, the  
8 Congress may make an appropriation and the Administrator  
9 may obligate funds for design of any construction or renova-  
10 tion project which has been included in the five-year plan  
11 submitted to the Congress pursuant to section 801 of this Act  
12 and is scheduled for construction in the next or second suc-  
13 ceeding fiscal year: *Provided*, That such design project and  
14 funds have been authorized in accordance with section 803 of  
15 this Act. The authority of this subsection shall expire at the  
16 end of fiscal year 1987.

17 AUTHORIZATIONS FOR APPROPRIATIONS

18 SEC. 803. (a) In order to carry out the purposes of this  
19 Act and commensurate with the Congressional Budget and  
20 Impoundment Control Act of 1974, the Committee on Envi-  
21 ronment and Public Works of the Senate, and the Committee  
22 on Public Works and Transportation of the House of Repre-  
23 sentatives shall report to the Senate and the House of Repre-  
24 sentatives, respectively, by May 15 of each year, a bill

1 authorizing appropriations for the Public Buildings Service  
2 for the fiscal year beginning on October 1 of that year.

3 (b) The bill reported pursuant to subsection (a) of this  
4 section by the Committee on Environment and Public Works  
5 of the Senate shall, and the bill reported pursuant to subsec-  
6 tion (a) of this section by the Committee on Public Works and  
7 Transportation of the House of Representatives may, specifi-  
8 cally authorize the location and amount of any major con-  
9 struction and acquisition project, and any major renovation,  
10 alteration and repair project.

11 (c) The committee of conference on authorization bills  
12 committed to conference in accordance with this section may  
13 include in its report major construction and acquisition proj-  
14 ects and major renovation, alteration and repair projects ap-  
15 proved by resolutions of the Committee on Public Works and  
16 Transportation of the House of Representatives prior to May  
17 15 of the year preceding the beginning of the fiscal year for  
18 which the bill authorizes appropriations: *Provided*, That the  
19 aggregate monetary authorization in the report of the com-  
20 mittee of conference may not exceed the higher of the aggre-  
21 gate authorizations contained in the bills committed to  
22 conference.

23 SEC. 804. Funds which are appropriated in accordance  
24 with section 803 of this Act for a construction, renovation,  
25 repair, acquisition, or alteration project or for leases shall

1 remain available for obligation and expenditure without  
2 regard to fiscal year limitations: *Provided*, That such funds  
3 have been appropriated pursuant to section 802(b) of this  
4 Act, and that the construction, renovation, or acquisition  
5 project has commenced during the same fiscal year such  
6 funds are appropriated.

7 SEC. 805. Ten per centum of the funds made available  
8 to the Public Buildings Service for construction, renovation,  
9 alteration, and repair of public buildings shall be available for  
10 repair or alteration projects and leases not otherwise author-  
11 ized by this Act, if the Administrator certifies that the space  
12 to be repaired, altered, or leased resulted from emergency  
13 building conditions or changing or additional programs of  
14 Federal agencies not anticipated at the time the program re-  
15 quired by section 801 of this Act was submitted. Funds for  
16 such projects may not be obligated until thirty days after the  
17 submission by the Administrator of an explanatory statement  
18 to the Committee on Environment and Public Works of the  
19 Senate and the Committee on Public Works and Transporta-  
20 tion of the House of Representatives. The explanatory state-  
21 ment shall, among other things, include a statement of the  
22 reasons why such project or lease cannot be deferred for au-  
23 thorization in the next succeeding fiscal year.

24 SEC. 806. (a) When the cost of a project exceeds the  
25 estimated maximum cost authorized in accordance with sec-

1 tion 803 of this Act, the Administrator is authorized to either  
2 (A) increase expenditures by an amount equal to the percent-  
3 age increase in the cost of the project, or (B) decrease the  
4 number of gross square feet to be constructed in the project.  
5 In no event shall the total increase in expenditures author-  
6 ized by clause (A) of this paragraph exceed 10 per centum of  
7 the estimated maximum cost of the project. In no event shall  
8 the total decrease in square feet authorized under clause (B)  
9 of this paragraph exceed more than 10 per centum of the  
10 gross square feet stated in the approved authorization.

11 (b) If the Administrator determines that the cost of a  
12 project exceeds the estimated maximum cost authorized  
13 under section 803 of this Act to such an extent that action  
14 under subsection (a) of this section is not sufficient to meet  
15 such excess cost, the Administrator shall report to the Com-  
16 mittee on Environment and Public Works of the Senate and  
17 the Committee on Public Works and Transportation of the  
18 House of Representatives concerning the project. Such report  
19 shall include recommendations by the Administrator as to ap-  
20 propiate action to enable the continuance of the project. The  
21 Administrator may not take any action to continue the proj-  
22 ect, other than the action authorized by subsection (a) of this  
23 section, unless such action has been authorized by the Con-  
24 gress in accordance with section 803 of this Act.

1       **TITLE IX—PUBLIC BUILDINGS FINANCING**

2       SEC. 901. (a)(1) Subsections (f), (j), and (k) of section  
3 210 of the Federal Property and Administrative Services Act  
4 of 1949 (40 U.S.C. 490) are repealed.

5       (2) Subsections (g), (h), and (i) of such section are redes-  
6 ignated as subsections (f), (g), and (h), respectively.

7       (3) Subsection (a) of such section is amended by striking  
8 out “fund established by subsection (f) of this section” and  
9 inserting in lieu thereof “general fund of the Treasury”.

10       (b)(1) Except as provided in paragraph (2), any amounts  
11 remaining in the fund established under section 210(f) of the  
12 Federal Property and Administrative Services Act of 1949  
13 on the day before the effective date of this section shall revert  
14 to the general fund of the Treasury on such effective date.

15       (2)(A) Any amount in the fund for which, prior to the  
16 effective date of this section, obligations have been made but  
17 have not been liquidated, shall be transferred into an appro-  
18 priate account of the General Services Administration estab-  
19 lished under section 1552(a)(1) of title 31, United States  
20 Code, for the payment of unliquidated obligations.

21       (B) Any amount in the fund which has been appropri-  
22 ated prior to the effective date of this section, but for which  
23 obligations have not been made prior to such effective date,  
24 shall remain available until expended.

1 (c) Any reference in any law enacted before the date of  
2 enactment of this Act to deposits into the fund established  
3 pursuant to section 210(f) of the Federal Property and Ad-  
4 ministrative Services Act of 1949 shall be deemed to refer to  
5 deposits into the general fund of the Treasury.

6 (d) Notwithstanding section 1001, this section shall take  
7 effect on the first day of the first fiscal year beginning after  
8 the date of enactment of this Act.

## 9 TITLE X—MISCELLANEOUS

10 SEC. 1001. This Act shall become effective on January  
11 1, 1984.

Passed the Senate November 10 (legislative day, November 7), 1983.

Attest: **WILLIAM F. HILDENBRAND,**  
*Secretary.*